**In the High Court of Punjab and Haryana, Chandigarh.**

**C.W.P.No.15276 of 2005 (O&M)**

Date of Decision: 23.11.2006

Tafajjul …Petitioner.

Versus

State of Haryana & Others. …Respondents.

**CORAM: HON'BLE MR.JUSTICE M.M.KUMAR**
**HON'BLE MR.JUSTICE M.M.S.BEDI**

Present: Mr.R.K.Malik, Advocate for
Petitioner.

Mr.Harish Rathee, Sr.DAG Harana for the
Respondents No.1 to 3.

Mr.Rajesh Mahajan, Advocate for the
Respondent No.4.

**JUDGMENT**

**M.M.KUMAR, J. (ORAL)**

Initially, the relief claimed in the instant petition was that direction be issued to the respondent No.4 to grant him subsistence allowance and part of the salary which remained unpaid. It was further claimed that the petitioner be reinstated into service with all consequential benefits and he be also held entitled to full salary after the aforementioned date. However, in the written statement filed by the respondent, it has become clear that

regular departmental enquiry has been held against the petitioner and after approval of the Commissioner of School Education, Haryana, he has been dismissed from service on 19.12.2005. Therefore, the only relief which survives for consideration as projected in the replication filed by the learned counsel for the petitioner is that he is entitled to subsistence allowance at the rate of 75% w.e.f. 17.4.2003 to 19.12.2005 which remains unpaid to him till date. He has also claimed that Dearness Allowance on the same rate as is admissible to the Haryana Government employee be also paid to him. According to the petitioner, w.e.f. 1.4.2004 50% of the Dearness Allowance was merged with the basic pay by the government but nothing has been paid to him by the respondent-Management. Therefore, the prayer has been made to issue direction to the respondents to grant Dearness Allowance at the same rate as has been granted by the Haryana Government to the Government Teacher w.e.f. March 1999 to 19.12.2005.

Faced with the aforementioned situation, learned counsel for the respondent-Management states that on 10.11.2006, the Management had already addressed a communication to the District Education Officer, Nuh (District Mewat) demanding the arrears of pay and subsistence allowance from 1.3.1999 to 18.12.2005 amounting to Rs.61,987/-.

In view of the above, we dispose of the writ petition with a direction to the respondents to release the subsistence allowance to the petitioner at the rate of 75% w.e.f. 17.4.2003 to 19.12.2005 and also release him the arrears of salary by giving

the benefit of merging the Dearness Allowance with pay to the extent of 50% as has been granted to the Haryana Government employees. The needful shall be done within a period of three months from the date a certified copy of the order is supplied to the respondents, so that the petitioner may claim from either of them.

**(M.M.KUMAR)**
**Judge**

**November 23, 2006** **(M.M.S.BEDI)**
dkb **Judge**